

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
February 18, 2008

The Yadkin County Board of Commissioners met in Regular Session on Monday, January 21, 2008 at 7:00pm, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chair Kim Clark Phillips
Vice Chair Joel Cornelius
Commissioner Chad Wagoner
Commissioner Brady Wooten

Special Note: Though not present at original role call,
Commissioner Garner arrived at 7:10pm.

Staff present: County Manager, Eric Williams; County Attorney, James Graham; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chair Phillips at 7:03pm

INVOCATION by James Graham

PLEDGE OF ALLEGIANCE led by Andrew Jerome Gadberry, a Junior at Starmount High School. Mr. Gadberry was accompanied by his mother, Crystal Gadberry. Mr. Gadberry spoke in high regard of Principal Tony George and Coach Scott Johnson and their commitment to the overall well being of their students. Mr. Gadberry stated that Starmount focuses not only on education, but on developing a well-rounded individual. Mr. Gadberry hopes to pursue further education in physical therapy and would like to attend either East Carolina University or Winston Salem State University.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Williams requested 3 adjustments to the agenda as follows:

- (1) The Board should first take action on the Resolution regarding the financing of the middle schools and hold the Public Hearing subsequently.
- (2) Manager Williams would like to discuss the recently awarded EMS Toolkit Grant.
- (3) YVEDDI is requesting appointments to the YVEDDI Board of Directors.

Vice Chair Cornelius made a motion to approve the agenda with noted adjustments. Commissioner Wooten second.

Vote: 5/0

PUBLIC COMMENTS

Allen Sneed addressed the Board on the issue of the proposed jail. Mr. Sneed noted the drawings of the new middle schools on display in the meeting room and questioned if any citizen had had the opportunity to view the drawings of the proposed jail. Mr. Sneed questioned the size and capacity of the sally port of the new jail as well as the size and capacity of the kitchen. Mr. Sneed finalized his comments stating that the county is 'throwing money away' on the proposed jail design.

There were no additional speakers for Public Comment. The Public Comment portion of the agenda ended at 7:12pm.

APPROVAL OF MINUTES

Vice Chair Cornelius requested the following adjustment:

Pg. 13 – change 'sole' to 'soil'

Commissioner Wagoner requested the following adjustments:

Pg. 4 – change 'provide' to 'provided'

Pg. 13 – add the word 'additional' before "estimated cost of the downtown site"

Pg. 14, 2nd paragraph – remove 'for the site'

Pg. 14, last paragraph – add 'Yadkinville' before Town Board and add Yadkin Chamber of Commerce to the same sentence.

Commissioner Wooten made a motion to approve the February 4, 2008 Regular Session Minutes with noted adjustments. Vice Chair Cornelius second.

Vote: 5/0

PUBLIC HEARING

County Manager Williams introduced the **RESOLUTION MAKING CERTAIN DETERMINATIONS CONCERNING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS AND APPROVING CERTAIN ACTIONS RELATING THERETO.**

Some discussion followed. County Manager Williams introduced Janice Burke who was available to address questions or concerns. County Manager Williams gave a brief background on this action and reviewed the financing calendar. County Manager Williams announced that the selected financial institution is BB&T with an interest rate of 3.83%.

Commissioner Wooten stated that the current Board had all agreed to \$24 million for the new schools and are now approving an amount of over \$27 million.

Commissioner Wooten questioned the status of the alternatives as discussed in prior meetings. Chair Phillips remarked that all internal alternatives were left in place for later negotiation.

Commissioner Wooten noted that even though the financing arrangement is for \$25.6 million, the total cost to the County is \$27 million and over.

Commissioner Garner made a motion to approve the RESOLUTION MAKING CERTAIN DETERMINATIONS CONCERNING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS AND APPROVING CERTAIN ACTIONS RELATING THERETO.

Commissioner Wagoner second. Commissioner Wooten stated that he supported additional classrooms for Yadkin County students but was standing firm on his agreement not to exceed \$24 million to build new middle schools.

Vote: 4/1 (Wooten against)

The floor was open for the Public Hearing.

Larry Collins commented that Yadkin County is spending money based on projected income. Personal incomes are down and Commissioners are not considering the public's ability to pay increased taxes. Mr. Collins encouraged the Board to reconsider their spending and only allocate money that currently exists in the budget.

Gene Pardue questioned the amount of available lottery funds for the middle schools. It was explained that roughly \$750,000 is set-aside for school capital construction.

Kevin Thomas questioned Commissioner Wooten's decision to vote against the financing for middle schools that would enhance the education of Yadkin County children. Commissioner Wooten agreed to speak with Mr. Thomas privately, as this was not the correct forum to answer audience questions.

Public Hearing was closed.

Commissioner Garner asked Ms. Burke to step forward and address the county's current financial standings. With Ms. Burke's extensive review of the county's finances, Commissioner Garner asked Ms. Burke if the County was in danger of bankruptcy. Ms. Burke responded that Yadkin County is not in any danger. Commissioner Wooten asked Ms. Burke if the tax payers of Yadkin were in financial danger. Commissioner Cornelius asked Ms. Burke to describe her previous employment background. Ms. Burke stated that she had served as the Secretary of the Local Government Commission. Ms. Burke explained that all the borrowing of money by counties must be approved by the LGC. Based on her years of experience, Ms. Burke remarked that Yadkin County is capable of repaying this debt and is considerably financially sound. Vice Chair Cornelius added that the LGC recommended fund balance is 8%. Currently Yadkin County holds a fund balance of 26%.

Commissioner Wagoner questioned the expense column for BB&T versus the other lenders. Ms. Burke suggested that those may represent legal fees and origination fees. Ms. Burke commented that in all of her years of experience, she had never seen as fabulous an interest rate as BB&T was offering, due largely to the financial strength of Yadkin County.

Chair Phillips commented that the positive side is that Yadkin County will be getting much-needed middle schools. Commissioner Wagoner added that not only does the county gain the additional classrooms, but Yadkin County children get a better education, and it is a 'glorious' time to borrow the money at an all-time low interest rate. Commissioner Wagoner stated that it's a win/win situation.

Commissioner Wooten commented that the current Board had gone over budget on several items in the last six months.

Kevin Thomas wished to make additional comments. Though the Public Hearing had been officially closed, Attorney Graham offered that it would be allowable for Mr. Thomas to add comments.

Mr. Thomas remarked that Commissioner Wooten had supported the action on new middle schools up until this point and suggested that the upcoming election may have caused Commissioner Wooten to rethink his position. Mr. Thomas has filed as a candidate for Commissioner in the 2008 Election. Chair Phillips felt that Mr. Thomas' comments would have been better suited for a candidate's forum and not appropriate for this particular public hearing.

Vice Chair Cornelius made a motion to (a) proceed with the proposed financing of a portion of the cost of the Project and approve on a preliminary basis the Proposal to finance a portion of the cost of the Project in an amount not to exceed \$25,600,000 substantially as presented and (b) to acquire the fee or any lesser interest in the real and personal property included in the Project for use by the Yadkin County School System in order to proceed with a plan by the County and the Board of Education for the financing of a portion of the cost of the Project. Commissioner Wagoner second.

Vote: 4/1 (Wooten against)

[RESOLUTION MAKING CERTAIN DETERMINATIONS CONCERNING A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS AND APPROVING CERTAIN ACTIONS RELATING THERETO is attached as Addendum A]

BOARD APPOINTMENTS

The Board briefly discussed requests to reappoint Chair Phillips and Tommy Garner to the YVEDDI Board of Directors with W.G. Dinkins and Jose Gonzalez as alternates. There was some concern for the ability and desire of the alternates to serve. The Board agreed to postpone this action for a later meeting.

BOARD REPORTS/REQUESTS

Clerk to the Board, Gina Brown reported the following to the Board:

(1) Currently, Closed Session Minutes are shared only with the Board members, the County Manager, the County Attorney, and the Clerk. The Clerk's office holds Closed Session Minutes from 1994 forward that need to be released. Beginning with the February 28, 2008 meeting, a group of Closed Session Minutes will be added to the agenda for review and release by the Board. Some discussion regarding NC General Statutes on Closed Sessions followed.

(2) Yadkin County's Code Book has not been updated since 1992. After research, Clerk Brown identified approximately 40 ordinances that have been established since the last codification. After some discussion, County Attorney Graham advised that the codification of ordinances be updated. Clerk Brown is to secure a price quote from Municipal Code Corporation. In addition, Clerk Brown addressed the Board regarding the purchase of official record books. The record books are high quality, contain a metal clasp, have hard vinyl covers, and hold 500 sheets. One book each is needed for Minutes, Ordinances, Resolutions, and Declarations/Proclamations at a cost of approximately \$250.00 each. There remains \$2800 in the materials and supply line item of governing body. The Board agreed to this purchase. No vote was necessary.

(3) Minute Books 15-18 are current with pages numbered. Minute Books 1-14 are stored in the fire-proof vault at the Register of Deeds Office.

(4) Policies on open meetings and public notice were discussed. Clerk Brown was concerned that adequate public notice was not being given for sporadic or infrequent committee meetings. Clerk Brown suggested that one person take on the responsibility for public notice. Commissioner Cornelius suggested that Clerk Brown be responsible for public notice, but that each individual committee would be responsible for getting adequate meeting information to the Clerk.

(5) High School students in Yadkin County schools often have to complete a certain number of community service projects/hours. Clerk Brown requested approval to contact Yadkin County Schools regarding student availability for the Clerk's Office. Clerk Brown is seeking a student that would be self-motivated with a good attitude. The Board offered their approval for this plan.

(6) The Board identified the need to select an Acting Clerk in the absence of Clerk Brown. After some discussion, the Board appointed Scarlett Huffman, Assistant to the County Manager, the duties of Acting Clerk.

Chair Phillips called for a recess at 8:15pm. Meeting resumed at 8:32pm.

Tax Administrator, Phyllis Adams, appeared before the Board to discuss the schedule for providing tax adjustment data.

Commissioner Wagoner made a motion to accept the semi-annual distribution of tax adjustment data. Commissioner Wooten second.

Vote: 5/0

County Manager Eric Williams reported that the soil boring results for the potential downtown jail site have been received. The results have no indication of concern. The foundation work for the downtown site will be the same as the Hoots Road site.

Chair Phillips reported that the Jail Committee was reluctant to make a recommendation and that ultimately the decision lies with the Board. A final decision is necessary at this time in order for the architects to proceed. Chair Phillips asked the Board for their preference. Commissioner Wagoner spoke in favor of the new jail at Hoots Road. Vice Chair Cornelius and Commissioner Garner both indicated a Hoots Road preference. Commissioner Wooten stated he was willing to incur additional costs in order to have the jail downtown. Chair Phillips agreed with the Hoots Road site. As a formal vote for the Hoots Road site had been completed in the months prior and no formal vote had been taken otherwise, no action on this matter was required. Chair Phillips instructed Manager Williams to proceed with the Hoots/Butler Road site for the new Yadkin County Jail/Detention Center.

Communications Director, David Matthews was on hand to discuss the recently received EMS Toolkit Grant of \$154,000. Manager Williams explained that the grant provided funding for 2 additional positions in dispatch. Personnel in these positions would be trained in triage and will be better capable of directing the correct services to the caller and identifying the appropriate response. Funding for this grant is a one-time allotment with the County responsible for maintaining the program in subsequent funding years. Though no monetary action was needed at tonight's meeting, Director Matthews and Manager Williams needed reassurance from the Board that this program will have the adequate funding to succeed in the upcoming fiscal years. The Board offered their approval for Communications to proceed as necessary.

BOARD ACTION

DSS Director, Eddie Wooten appeared before the Board with Budget Amendments. Director Wooten announced the receipt of additional state crisis funds in the amount of \$27,944. The second budget amendment reflects an adjustment from furniture and psychological services to vehicles. DSS has a vehicle in need of replacement due to blown engine. Some discussion followed. Vice Chair Cornelius had some concerns for the county's budgeting procedures and the procedure for buying county vehicles.

Vice Chair Cornelius made a motion to approve the DSS Budget Amendment for additional crisis funds. Commissioner Wooten second.

Vote: 5/0

[DSS Budget Amendment is attached as Addendum B]

Commissioner Garner made a motion to approve the DSS Budget Amendment for adjusted accounts to fund the purchase of a replacement vehicle. Vice Chair Cornelius second.

Vote: 5/0

[DSS Budget Amendment is attached as Addendum C]

In the absence of Andrew Mackie, County Manager Williams introduced a RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS TO DECLARE MARCH 2008 ABANDONED CEMETARIES AWARENESS MONTH.

Vice Chair Cornelius made a motion to approve the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS TO DECLARE MARCH 2008 ABANDONED CEMETARIES AWARENESS MONTH. Commissioner Wooten second.

Vote: 5/0

[RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS TO DECLARE MARCH 2008 ABANDONED CEMETARIES AWARENESS MONTH is attached as Addendum D]

County Manager Williams introduced a JOINT RESOLUTION CELEBRATING 100 YEARS OF COUNTY UNITY IN RECOGNITION OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS CENTENNIAL. There was little discussion.

Vice Chair Cornelius made a motion to approve the JOINT RESOLUTION CELEBRATING 100 YEARS OF COUNTY UNITY IN RECOGNITION OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS CENTENNIAL. Commissioner Wooten second.

Vote: 5/0

[JOINT RESOLUTION CELEBRATING 100 YEARS OF COUNTY UNITY IN RECOGNITION OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS CENTENNIAL is attached as Addendum E]

MANAGER REPORTS/COMMENTS

County Manager, Eric Williams, presented the following to the Board:

- (1) Additional information regarding new construction at the Yadkin County Park would be provided at the next meeting.
- (2) IT Director, Chris Shugart, will be reporting to the Board on broadcasting options and employee time management options at the next meeting.
- (3) Arcadis Engineer, Alex Apple, will be coordinating with the Town of Jonesville to provide weekly updates of participants in the water connection incentive program.

CALENDAR NOTES

Manager Williams announced the next HR Committee meeting will be on Wednesday, February 27 at 6:30pm in the Commissioners Meeting Room.

Clerk Brown noted the assignment of National County Government Week and National Public Service Week. Clerk Brown asked the Board if they would like to have a special program or resolution honoring County Government employees in conjunction with these recognition weeks. Chair Phillips asked Clerk Brown to pursue samples of resolutions and review the years of service recognition program from the previous year.

COMMISSIONER COMMENTS

Commissioner Wagoner had no additional comments for this portion of the agenda.

Commissioner Wooten relayed discussion items from his recent PART Board meeting as follows:

- (1) Two new park and ride lots have been established in Davidson County and Randolph County.
- (2) A potential site for Yadkin County is being developed.
- (3) The PART Board authorized the purchase of 5 additional buses.
- (4) The Transportation Implementation Plan (TIP) currently has \$5.7 million in planned projects.
- (5) There was some discussion of adding toll booths to every major interstate and highway entering North Carolina to raise additional transportation funds.
- (6) There continues to be discussion of the North Carolina DOT returning the responsibility of county roads back to the individual counties.
- (7) Counties are being asked to develop a resolution in support of traffic loops around Greensboro and Winston Salem.

Commissioner Garner had the following comments:

- (1) Commissioner Garner commented that it was nice to see revenue exceeding expenses for the Solid Waste Department. Further, Commissioner Garner acknowledged that recent modifications in the Solid Waste Department represent work in progress. The first couple of steps have been positive with more improvements to follow.
- (2) Commissioner Garner addressed earlier public comments regarding the size of the jail sally port and the kitchen. Commissioner Garner does not feel that either of these facilities is excessive or inappropriate. It was noted that Aramark will use the kitchen facilities to provide meals for other institutions until such time that the Yadkin County Jail reaches its capacity.

Vice Chair Cornelius reported that the Board had met in Joint Session with the Yadkin County Planning Board. Among the discussion were issues with the temporary practice range of the Forbush High School Hunter Safety Team. The temporary site was not sufficient to meet zoning requirements and required a conditional use permit. Vice Chair Cornelius announced that Drs. Keith and Kim Phillips volunteered their property as a temporary practice range for the Team and voluntarily paid the \$275.00 permitting fee. Commissioner Cornelius and Attorney Graham intend to reimburse the Phillips for a portion of that cost and encouraged other Board members to do the same.

Vice Chair Cornelius read a quote from Abraham Lincoln that he felt was appropriate... "In times like the present, men should utter nothing for which they would not willingly be responsible through time and eternity."

Chair Phillips had the following comments:

- (1) Chair Phillips remarked that the County's Hunter Safety Teams are awesome with Forbush Elementary having 3 consecutive national championships, Fall Creek with 2nd place finishes, and Yadkin County Teams having 10 consecutive state championships. Despite misconceptions, the Hunter Safety Team is a great asset for Yadkin County and teaches hunter safety, animal identification, and the proper handling of firearms.
- (2) Suzanne Thomason, President of the Northwestern Regional Library, has recently applied for a \$10,000 grant through the Library Services and Technology Act. Ms. Thomason approached Chair Phillips for a letter on behalf of the Board that accompanied the grant application. The letter was assurance from the Board that a good faith effort would be made not to reduce the library book budgets below the current level. The current book budget for all 4 Yadkin County libraries is \$9,749. Chair Phillips agreed to do this letter on behalf of the Board and requests the Boards support in this effort.
- (3) The Burning Ban has been reinstated as of February 14, 2008 at noon.
- (4) The Litter Sweep Program is upcoming for groups or individuals. Additional information is available in the County Manager's Office.

**Vice Chair Cornelius made a motion to adjourn. Commissioner Wooten second.
Vote: 5-0**

Meeting adjourned at 9:40pm.

Prepared and Approved by Clerk to the Board